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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,821	11/24/2003	Douglas B. Wilson	114089.120	5355

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EXAMINER	
LUONG, VINH	
ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,821	WILSON, DOUGLAS B.	
	Examiner	Art Unit	
	Vinh T. Luong	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Vinh T. Luong
Primary Examiner

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Attachments 1-3*.

1. The Amendment filed on April 5, 2006 has been entered.

2. The replacement drawings were received on April 25, 2006. These drawings are accepted by the Examiner.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdel (US Patent No. 2,118,540).

Regarding claim 20, Van Arsdel teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle comprising:

a first section 4 (i.e., horizontal section in Fig. 3) that connects to a peripheral portion 3 of the steering wheel 3; and

a second section 2 (*i.e.*, a concave upward section in Figs. 3 and 5) that connects to and extends from the first section 4 at the peripheral portion 3 of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle α in Figs. 3 and 5 of the Attachment 1) to a plane (Att. 1) across a face to the steering wheel 3, with the second section 2 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand as seen in Figs. 1 and 2) when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than

the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel 3. *Ibid.* right column on page 1, lines 29-54.

Regarding claim 21, the second section 2 is inherently deformable in at least one direction when deforming pressure is applied to such second section 2. Note that virtually anything will be deformed if enough pressure is applied to it. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC 1969).

Regarding claim 22, the second section 2 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 2 will inherently return to an original first position after deforming pressure is removed therefrom.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 28/20, the first section 4 is inherently deformable. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

5. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 20, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle comprising:

a first section 13 that connects to a peripheral portion of the steering wheel 10;

a second section 11 extends from the first section at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle α in Fig. 8 of Attachment 2) to a plane (Att. 2) across a face (Att. 2) to the steering wheel 3, the second section 11 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 21, the second section 11 is deformable in at least one direction when deforming pressure is applied to such second section 11 since it is made of a flexible material such as rubber. *Ibid.* right column on page 1, lines 46-53. On the other hand, note that virtually anything will be deformed if enough pressure is applied to it. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

Regarding claim 22, the second section 11 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel 10 includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 11 will return to an original first position after

deforming pressure is removed therefrom since it is made of a flexible material such as rubber. *Ibid.* right column on page 1, lines 46-53.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Regarding claim 28/20, the first section 13 is deformable since it is made of a flexible material such as rubber. *Ibid.* left column on page 2, lines 19-34. See also the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

6. Claims 20, 27, and 28/27 are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 20, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1;

a second section 10 that connects to, and extends from, the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle α in Fig. 2 of the Attachment 3) to a plane (Att. 3) across a face (Att. 3) to the steering wheel 1, the second section 10 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering

wheel 1 when pressure from the portion of the vehicular operator's body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 27, the second section 10 includes at least two second sections 10 that each connects to the first section 7, 8 at separate locations (by comparing Applicant's Fig. 2 with Laubach's Fig. 1).

Regarding claims 28/20 and 28/27, the first section 10 is inherently deformable. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

7. Applicant's arguments filed April 5, 2006 have been fully considered but they are not persuasive.

Objections to the Drawings and Specification

The objections have been withdrawn in view of Applicant's replacement drawings and amendment.

Art Rejection

Van Arsdel

Applicant contended, *inter alia*, that:

> A review of Figs. 3 and 5 as announced by the Examiner to attempt to show that the auto steering wheel handgrip of Van Arsdel is disposed at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, ***the auto steering wheel handgrip*** *is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it.* This is very clear because in each disposition of the auto steering wheel handgrip in the Figures, the handgrip is fixed in this parallel plane to support the thumb or part of the palm. *It is also fixed so that it is not deformable so the driver can put extensive pressure on*

> *it (and it will not move) for steering the automobile (see underscored sections in the quotation above).* (Emphasis added).

The Examiner respectfully submits:

> As noted in MPEP 2111, during patent examination, *claims are given their broadest reasonable interpretation consistent with the specification.* It is proper to use the specification to interpret what the applicant meant by a word or phrase recited in the claim. However, *it is not proper to read limitations appearing in the specification into the claim when these limitations are not recited in the claim.* See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994); and *Intervet America Inc. v. Kee-Vet Lab. Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989). (Emphasis added).

At the outset, Applicant's arguments are not based on the limitations appearing in the claims. *In re Self*, 213 USPQ 1, 5 (CCPA 1982). In fact, Applicant's claim 1 recites "*a second section* that connects to, and extends from, the first section outward at an angle to a plane across a face to the steering wheel." It is clear from claim 1 that it requires the second section of the handgrip, *not* the handgrip *per se,* extends from the first section outward at an angle to the plane across the face of the steering wheel. Therefore, Applicant's contention that "[a]s the description above from Van Arsdel indicates, ***the auto steering wheel handgrip*** *is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it*" is immaterial to the patentability of the claim. The issue is not whether Arsdel's handgrip disposed at an angle relative to the plane across the face of the steering wheel. Rather, the issue is whether Arsdel teaches the second section that connects to and extends from the first section outward at an angle relative to the plane across the face of the steering wheel.

In the case at hand, on page 1, right column, lines 13-28, Arsdel describes: "[t]he grip rest 2 is *concave* longitudinally and about half of the rest extends over and part way across the

steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 of the side, and 5 of the rear end of the *concave*, located above the rim, *extends up into a marginal flange* to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated to rest." See also Arsdel's claims 1 and 2. Arsdel's concave upward section 2 extends from the first section 4 outward at an angle α to the plane across the face of the steering wheel as seen in Figs. 3 and 8 of Attachment 1. Therefore, Arsdel's concave upward section 2 in Fig. 3 of Arsdel "reads on" Applicant's claimed second section.

In addition, Applicant's contention that Arsdel's handgrip "is also *fixed* so that it is not deformable so the driver can put extensive pressure on it (and *it will not move*) for steering the automobile" is unsupported by substantial evidence in the record. Indeed, on page 1, right column, line 49 through line 2, left column, page 2, Arsdel expressly describes:

> My improved grip-rest may be formed integrally with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it *removable* as an attachment for any make of car and also to make it *adjustable* to suit the requirements or fancy of the driver. (Emphasis added).

Particularly, Applicant's contention is in direct conflict with Arsdel's description on page 2, left column, lines 28-32:

> The grip rest *may be shifted* along the length of the rim, or vertically around it by reversing the screw sufficiently to permit *change of the rest to the new position*, where it will be held again by tightening up on the screw. (Emphasis added).

Simply put, Arsdel explicitly teaches that the driver may loosen the screw 14 in Fig. 6 so that it is *deformable* in order that the driver can put extensive pressure on it and *it will move* for steering the automobile.

The support in the description of Arsdel that it will deform out of the interference with the operation of the steering wheel is on page 2, left column, lines 28-32. By loosening or reversing the screw 14 sufficiently to permit Arsdel's second section 2 shifted or vertically around the rim 3, the second section can be at the new position wherein the second section does not interfere with the operation of the steering wheel to suit the requirements or fancy of the driver.

For the reasons set forth above, the rejection based on Arsdel is respectfully maintained.

Anson

First, on page 10 of the Amendment, Applicant argued that the steering wheel attachment of Anson teaches away from the invention of claim 20. It is well settled that "[a]rguments that the alleged anticipatory prior art is 'nonanalogous art' or 'teaches away from the invention' or not recognized as solving the problem solved by the claimed invention, [are] not germane to a rejection under section 102." *Twin Disc, Inc. v. United States*, 231 USPQ 417, 424 (Cl. Ct. 1986) and MPEP 2131.05.

Second, Applicant asserted that there is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use.

The instant assertion is likewise unsupported by substantial evidence in the record. For example, on page 1, left column, line 48 through line 32, right column, Anson expressly describes: "a means for attachment to the steering wheel, whereby *the device may be readily attached to, or removed from, the wheel, and which may be quickly and easily shifted to various*

positions on the wheel as dictated by the degree of driving comfort desired." Particularly, on page 2, left column, lines 62-72, Anson teaches:

> At the same time, if it becomes desirable to move the attachment to a different position on the wheel rim, a slight movement of the grip portion toward the wheel rim will loosen the contact of strap 13 therewith, and the attachment can then be easily shifted to some other position on the wheel. Similarly, *the attachment may be rotated about the wheel rim* from its normal pendent position to *a position within the periphery of the wheel* when it becomes desirable to dispense with its use in operating the wheel. (Emphasis added).

As evidenced in the above quotation, Anson explicitly states that the driver may rotate Anson's attachment/handgrip about the wheel rim 10 to a position within the periphery of the wheel, *i.e.*, to a position shown in Applicant's Fig. 4 when the driver so desires. Anson's description above shows that Anson-type-attachment is operated in a similar manner to what is claimed in claim 20. As such, a person of ordinary skill in the art would find that there is a teaching in Anson in which the hands are or other body part is supported by Anson attachment as set forth in claim 20.

Third, in the same vein of arguments, Applicant argued: "the steering wheel attachment of Anson at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not teach that the attachment would deform out of interference with the operation of the steering wheel as set forth in claim 20."

However, since Anson's *attachment may be rotated about the wheel rim* from its normal pendent position to *a position within the periphery of the wheel* when it becomes desirable to dispense with its use in operating the wheel, Anson's attachment clearly is capable to be rotated

outward such that the second section 11 is at an angle from the plane across the face of the steering wheel and out of interference with the operation of the steering wheel as claimed. On the other hand, it is well settled that a claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. Inter. 1987) and MPEP 2114. In the case at hand, Anson teaches all structural limitations in the claims, therefore, Applicant's contention regarding the manner in which the claimed device is intended to be employed is unpersuasive.

Laubach

Applicant contended that the knobs of Laubach are rigidly connected to the steering wheel by the screws 5, thus, the knobs are meant remain in place in operation. Nevertheless, common sense teaches that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel as the driver so desires. In other words, the position of Laubach's knobs is capable of being changed. As such, Laubach's knobs can inherently perform the functions recited in Applicant's claim. *In re Schreiber*, 128 F.3d 1437, 44 USPQ2d 1429 (Fed. Cir. 1997).

Applicant further asserted that the Examiner's drawings to attempt to show the enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel is unsupported. Applicant's instant assertion is in direct conflict with the substantial evidence presented in Laubach's Fig. 2. This Fig. 2 shows that the second section of Laubach forms an angle with the face of the steering wheel as seen in Attachment 3. Note that things clearly shown

in reference patent drawing qualify as prior art features, even though unexplained by the specification as long as they are not inconsistent with the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

Finally, Applicant averred that the knob of Laubach does not deform out of interference with the operation of the steering wheel as set forth in claim 20. The Examiner respectfully submits that the driver can unscrew Laubach's screws 5, and then screw or fasten the screws 5 at other position on the rim 6 of the steering wheel such that the new position is out of interference with the operation of the steering wheel as the driver so desires. The operation to adjust or change the position of Laubach's handgrips is similar to the operation to adjust the handgrip of Arsdel since both Laubach and Arsdel use the screws as the fastening means. Since the position of Laubach's knobs is capable of being changed to be out of interference with the operation of the steering wheel, *i.e.*, Laubach's knobs can inherently performed the functions recited in Applicant's claim, therefore, Applicant's claims are anticipated by Laubach. *In re Schreiber* and *Ex parte Masham, supra.*

For the foregoing reasons, the rejections under the art are respectfully maintained.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

May 8, 2006

Vinh T. Luong
Primary Examiner

ATTACHMENT 1

May 24, 1938. E. VAN ARSDEL 2,118,540

AUTO STEERING WHEEL HANDGRIP

Filed May 10, 1937

Fig. 1

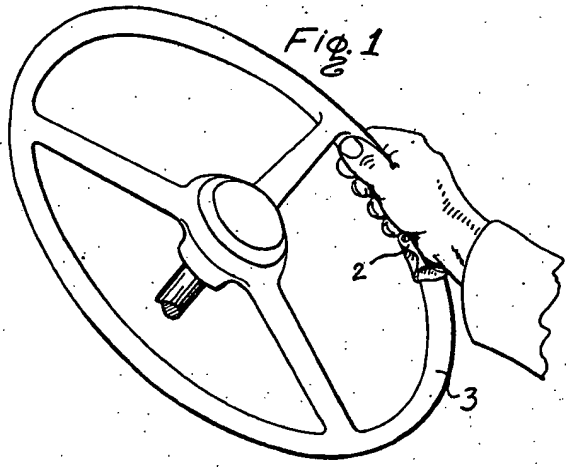


Fig. 4

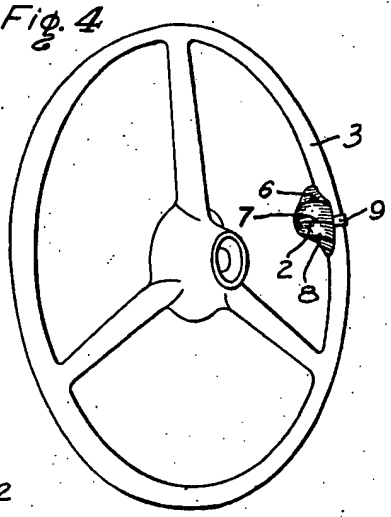


Fig. 7

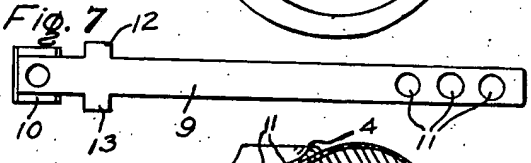


Fig. 6

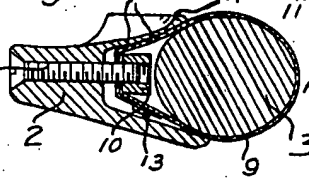


Fig. 2

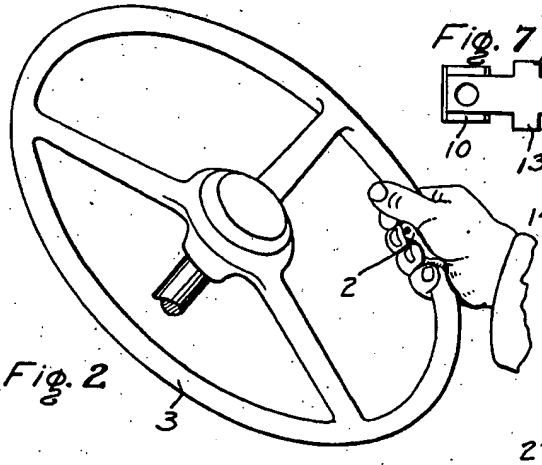


Fig. 8

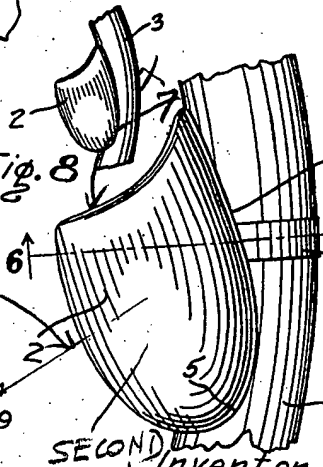
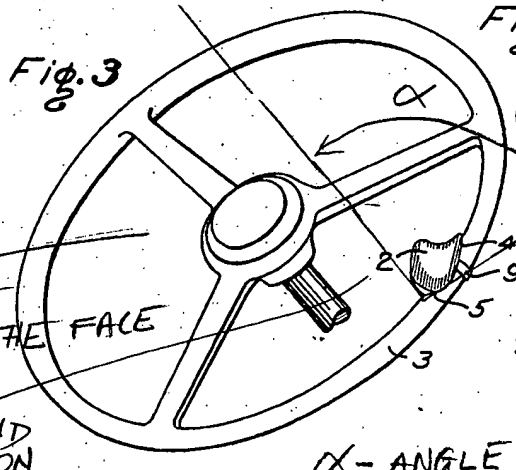


Fig. 5

Fig. 3



PLANE ACROSS THE FACE

SECOND SECTION

α = ANGLE TO THE PLANE 3 OF THE STEERING WHEEL

Inventor
Ernest Van Arsdel
By
Minturn & Minturn,
Attorneys

ATTACHMENT 2

Oct. 25, 1938. I. A. ANSON 2,134,020

STEERING WHEEL ATTACHMENT

Filed Sept. 30, 1937

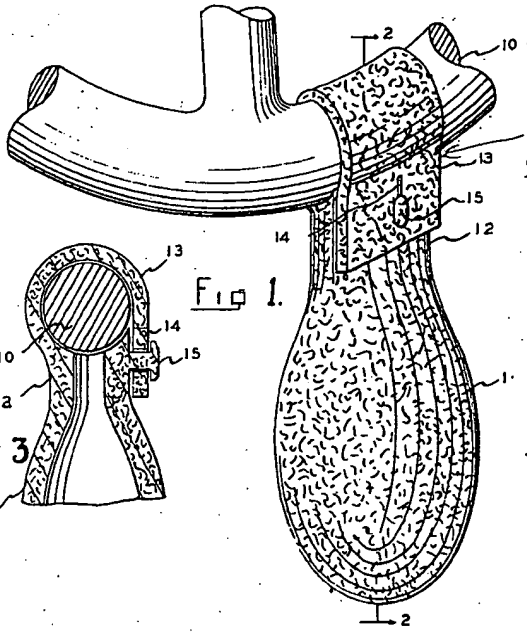


Fig 1.

Fig 3

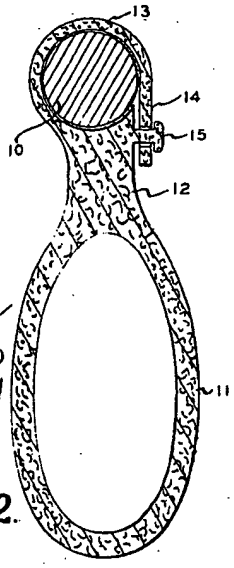


Fig 2.

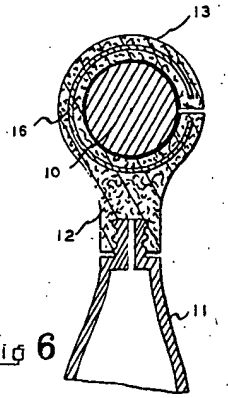


Fig 6

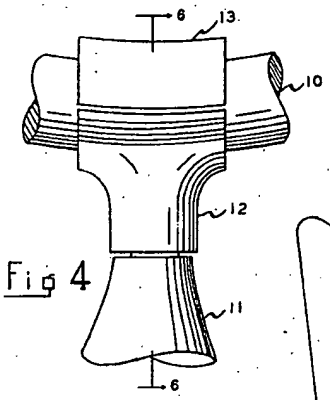


Fig 4

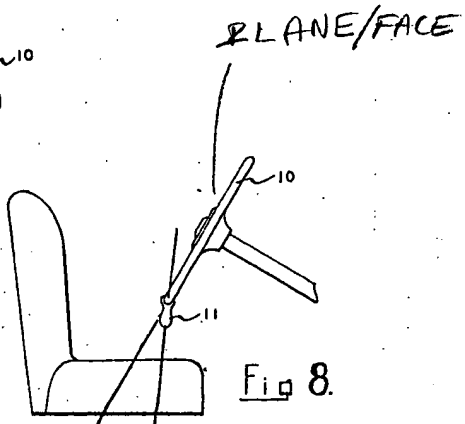


Fig 8.

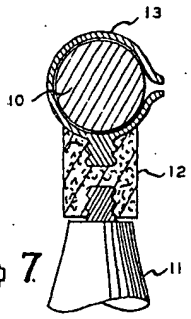


Fig 7.

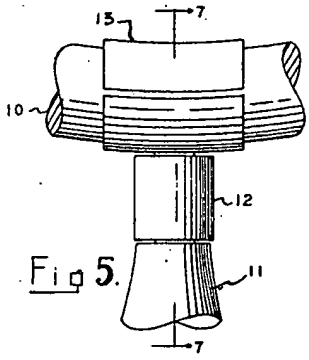


Fig 5.

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ATTACHMENT 3

March 9, 1926. 1,575,848

C. E. E. LAUBACH

STEERING WHEEL

Filed July 13, 1925

Fig. 1.

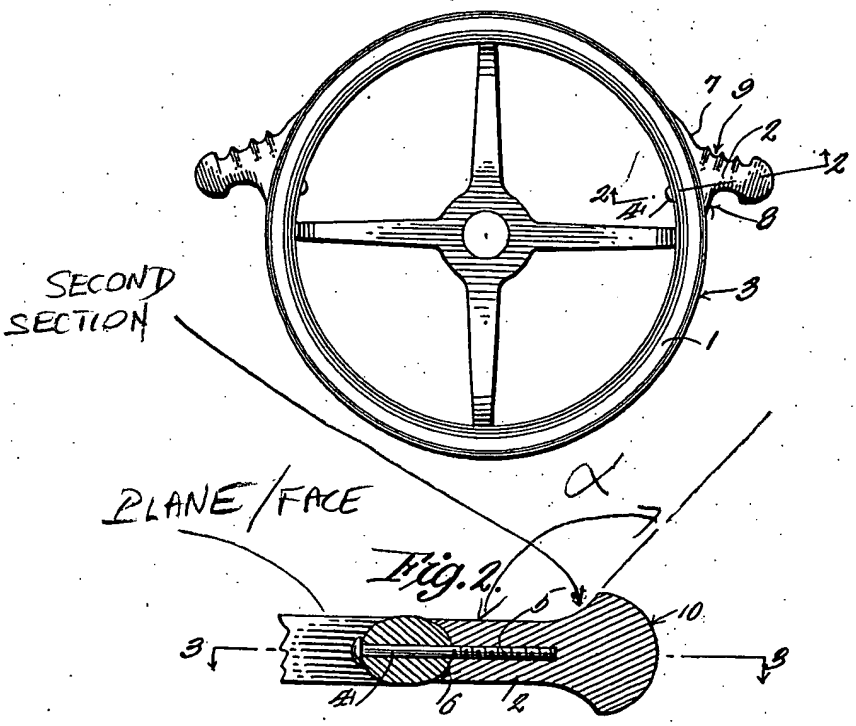
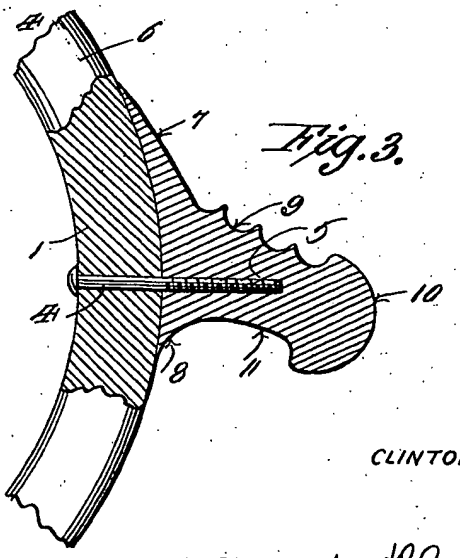


Fig. 2.

Fig. 3.



WITNESSES

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